

REMARKS/ARGUMENTS

In the final Office Action dated March 22, 2006, claims 25 and 26 were rejected and claims 37-46 were allowed. Applicants have thoroughly reviewed the Office Action, including the Examiner's remarks and the reference cited therein. The above amendment of claims 25 and 26, along with the following remarks, is believe to be fully responsive to the Office Action. All of the pending claims at issue are believed to be patentable over the cited reference.

Claims 25-26 and 37-46 remain pending in the present application. Claims 25 and 26 have been amended. Claims 25, 26, and 37 are independent claims. Support for the subject matter incorporated into claims 25 and 26 could previous have been found, for example, in claim 37 and throughout the specification and figures of the as-filed application. Claims 25 and 26 have been amended exclusively to recite subject matter which has already been acknowledged by the Examiner to be allowable. Therefore, no new matter has been added, no new issues have been raised, the above claim amendments should be entered, and all of the pending claims are in condition for allowance.

Rejection of Claims 25 and 26 Under 35 U.S.C. §102(e):

Claims 25 and 26 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,587,765 to Graham et al. (Graham '765). This rejection is respectfully traversed.

In paragraph 4 on page 3 of the Office Action, it is acknowledged that the prior art does not disclose a marine vessel controlling a third transmission based on a first and second transmission. Applicants thank the Examiner for acknowledging this distinction between some embodiments of the present invention and the prior art.

Claim 25 of the present application recites that, “the third ECU...controls the third transmission based on the position of the first control lever and the position of the second control lever.” Since the positions of the first control lever and of the second control lever are recited in claim 25 as, respectively, controlling the shift positions of the first and second transmissions, Applicants respectfully submit that the third ECU recited in claim 25 controls the third transmission based on the first and second transmissions. At least because the Examiner has acknowledged that such control is not disclosed by the prior art, Applicants respectfully submit that claim 25 is allowable over Graham ‘765.

Claim 26 of the present application recites that, “the third ECU controls the shift position of the third transmission based on the position of the first control lever and the position of the second control lever.” Since the third ECU recited in claim 26 controls the third transmission based on the positions of the first control lever and the second control lever which, respectively, control the shift position of the first and second transmissions, Applicants respectfully submit that the third ECU recited in claim 26 controls the third transmission based on the first and second transmissions. At least because the Examiner has acknowledged that such control is not disclosed by the prior art, Applicants respectfully submit that claim 26 is allowable over Graham ‘765.

At least in view of the foregoing remarks, Applicants respectfully submit that claims 25 and 26 recite subject matter which is not anticipated by Graham ‘765. Therefore, reconsideration and withdrawal of the rejection of claims 25 and 26 under 35 U.S.C. §102(e) as being anticipated by Graham ‘765 is respectfully requested.

Allowable Subject Matter:

Claims 37-46 have been allowed. Applicants thank the Examiner for the time spent reviewing these claims and for acknowledging that these claims recite patentable subject matter.

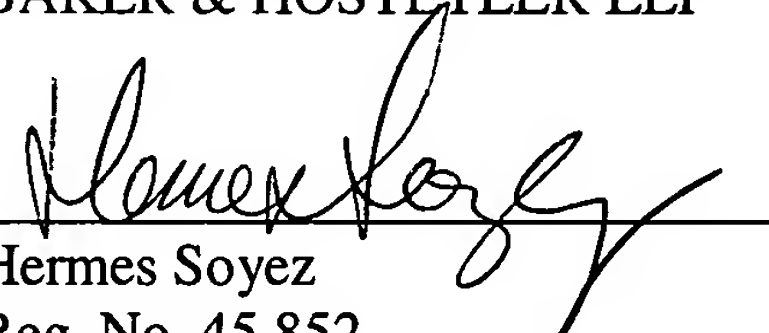
CONCLUSION

At least in view of the above claim amendments and the foregoing remarks, Applicants respectfully request that all of the rejections to the claims be removed. If, for any reason, the Examiner disagrees, he is requested to call the undersigned Applicants' representative at 202-861-1716 in an effort to resolve any matter still outstanding before issuing another Office Action. The undersigned Applicants' representative is confident that any issue which might remain can readily be worked out by telephone.

In the event this paper is not time filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 59764.21520.

Respectfully submitted,

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